

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark E. Duggan, et al.

Serial No. 10/510,069

Filed: October 4, 2004

For: INHIBITORS OF AKT ACTIVITY

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**By Stephanie R. Riccio Date 12-10-04

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

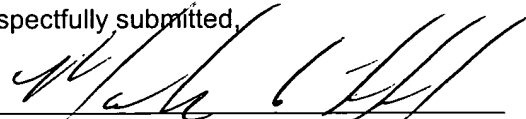
If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

- \* Ref JP 64-57261 discloses substituted 2,3 Biphenyl Quinoxaline compounds.
- \* Ref FR 1384713 discloses substituted 2,3 Biphenyl Quinoxaline compounds.
- \* The Wang et al. reference discloses substituted 2,3 Biphenyl Quinoxaline compounds.

Respectfully submitted,



By: Matthew A. Leff

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 50,149

MERCK & CO., INC.

Patent Dept., RY60-30

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Date: December 16, 2004

**COMPLETE IF KNOWN**

<b>Application Number</b>	10/510,000
<b>Filing Date</b>	October 4, 2004
<b>First Named Inventor</b>	Mark E. Duggan, et al.
<b>Group Art Unit</b>	To be determined
<b>Examiner Name</b>	To be determined

Sheet	1	of	4	Attorney Docket Number	21074YP
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[illegible]

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		PCT	WO 99/42463		Warner-Lambert Company	08/26/1999
		EP	0 397 859		Terumo Kabushiki Kaisha	11/22/1990
		IN	166761		Hoechat India Ltd.	04/20/1988
		JP	200309578A		Kyowa Hakko Kogyo Co., Ltd.	11/07/2000
		GB	2 293 380		Zeneca Limited	03/27/1996
		PCT	WO 02/50065		Vertex Pharmaceuticals Inc.	06/27/2002
		PCT	WO 03/051366		Abbott Laboratories	06/26/2003
		*JP	64-57261			01/01/1989
		*FR	1384713			11/23/1963
		PCT	WO 96/23783		SmithKline Beecham, PLC.	08/08/1996

Date  
Considered

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**COMPLETE IF KNOWN**

<b>Application Number</b>	10/510, [REDACTED]
<b>Filing Date</b>	October 4, 2004
<b>First Named Inventor</b>	Mark E. Duggan, et al.
<b>Group Art Unit</b>	To be determined
<b>Examiner Name</b>	To be determined
<b>Attorney Docket Number</b>	21074YP

Sheet	2	of	4
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[illegible][illegible]Date  
Considered

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE</b>  <b>STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>COMPLETE IF KNOWN</b>		
			Application Number	10/510,000	
			Filing Date	October 4, 2004	
			First Named Inventor	Mark E. Duggan, et al.	
			Group Art Unit	To be determined	
			Examiner Name	To be determined	
Sheet	3	of	4	Attorney Docket Number	21074YP

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Gerlicz et al., Roc. Chem., 51:1087-1093 (1977).
		Kraska et al. Pol. J. Chem., 52(9):1665-1674 (1978).
		Akutsu et al., Polym. Commun., 30(6):182-183 (1989).
		Akutsu et al., J. Appl. Polym. Sci., 69(9):1737-1741 (1998).
		*Wang et al., Gaofenzi Tongzun, 4:300-304 (1984).
		Venugopalan et al., Indian J. Chem., 29B:364-365 (1990).
		Venugopalan et al., Eur. J. Med. Chem., 24:611-614 (1989).
		Chem. Abstract, Vol. 63, No. 1, Abstract No. 183B, Kalle, A.G., 1965.
		Nakatani et al., J. Biol. Chem., 274:21528-21532 (1999).
		Shiojima and Walsh, Cir. Res., 90:1243-1250 (2002).
		Bellacosa et al., Int. J. Cancer, 64:280-285 (1995).
		Gilman, J. Amer. Chem. Soc., 70:2619- (1948).
		Stambolic et al., Cell, 95:29-39 (1998).
		Chem. Abstract, Vol. III, No. 14, Abstract No. 123785c, Ishibashi, S.P., 582, 1989.
		Cheng et al., Proc. Natl. Acad. Sci. U.S.A., 93:3636-3641 (1996).

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<b>Group Art Unit</b>	To be determined
<b>Examiner Name</b>	To be determined

Sheet	4	of	4	Attorney Docket Number	21074YP
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Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
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Venugopalan, et al., Indian J. of Chem., Vol. 30B, pp. 777-783, (1991)

Date  
Considered

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